

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.1626 of 2024**

23.10.2024

Syed Muhammad Nehal Hashmi, Advocate for applicant.
Mr. Amjad Hussain, Advocate for complainant.
Ms. Rahat Ahsan, Addl. P.G.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Malik Babar Ali Khan is seeking post arrest bail in Crime No.315/2024 U/s 489-F PPC of P.S. Gulshan-e-Iqbal, Karachi.

2. Applicant is alleged to have issued a cheque of Rs.35,00,000/- to complainant to return her amount which she had invested at his instance in his business with the undertaking to pay her profit every month. But, when he failed to give profit to her, she demanded her amount back and in return he issued a cheque which on presentation was dishonored, hence this FIR.

3. Learned counsel for applicant submits that this is a case of further inquiry; the applicant has been in jail since 23.05.2024 and he is no more required for further investigation; the punishment provided for the offence is only for three years; civil litigation is pending between the parties over the issue; applicant has filed a civil suit against the cheque in which a restraining order has been passed, whereas complainant has also filed a summary suit for recovery of her amount. His arguments have been rebutted by learned counsel for complainant and learned APG.

4. Notwithstanding, since offence does not fall within prohibitory clause of section 497(1) Cr.P.C and applicant is in jail, and is no more required for further investigation, the trial has already commenced, the incarceration of the applicant is not beneficial to the prosecution.

5. In the circumstances, this application is allowed and the applicant is granted bail subject to furnishing two sureties of Rs.5,00,000/- each and P.R bond in the same amount to the satisfaction of the trial court.

The bail application is disposed of.

JUDGE